

REMARKS

Claims 1-27 are currently pending in the present application and of these claims 13 – 27 are withdrawn from consideration. Claims 1-12 are amended to include a limitation on the film's thickness. Support for this amendment can be found in the specification on pages 8-9, paragraph 37. No new matter has been added.

Restriction under 35 U.S.C. § 121

The Examiner restricted the claims into three Groups. Applicants affirm the election of Group I with a provisional election of flavoring agent as a species of "active agent."

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 5-9, 12, and 13 under 35 U.S.C. 103(a) as unpatentable over Leung *et al.* (US 2001/0022964). (Office Action, page 6.) Claim 13 is withdrawn from consideration because it is not directed to the provisional species election. Therefore, the rejection of claim 13 will not be addressed in this response.

MPEP 2143 recites the basic requirements of *prima facie* obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations."

Applicants assert that the claims as currently amended overcome a *prima facie* case of obviousness over Leung *et al.* because the amended claims include a limitation on the film's thickness not found in the teaching of Leung *et al.*

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung *et al.* (US 2001/0022964) in view of Hoagland (US 5,919,574). (Office Action, page 7) Claim 13 is withdrawn from consideration because it is not directed to the provisional species election. Applicants assert that claims 1-12 as currently amended overcome this rejection for the same reasons cited above for overcoming the rejections over Leung *et al.*

CONCLUSION

Reconsideration and withdrawal of the rejection of claims 1-12, in view of the remarks provided herein and allowance of the claims being prosecuted are respectfully requested. Applicants believe that the arguments place the claims in condition for allowance.

Respectfully submitted,

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